

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

13

DECISION

TOPIC

Appeal of Decisions of the Administrative Law Judge.
Suspension of the fishing licenses of Joseph L. Gilpin, James L. Gilpin, and
John A. Gilpin

This Item consists of three separate appeals to the Commission for review of Decisions issued by Administrative Law Judge Paul McIntyre. The three cases were consolidated for hearing and are therefore presented together on appeal.

On September 27, 2005, Joseph Gilpin was convicted of four counts of taking fish by illegal methods. On October 18, 2005, James Gilpin and John Gilpin were convicted of four counts of taking fish by illegal methods. These convictions arise out of incidents on April 20, 2005. The District Court entered one year license suspensions at the time of sentencing for all three individuals. Copies of the convictions and suspension were sent to the DNR conservation officer involved in issuing the citations.

On August 28, 2007, the Department's Law Enforcement Bureau received notice of the convictions from the District Court. On that date, the Department issued notices of suspension to all three individuals indicating that their fishing licenses, including commercial fishing, would be suspended for two years. Those notices were appealed.

The appeals were heard jointly by Administrative Law Judge Paul McIntyre in June of 2008. Decisions were issued by Judge McIntyre on June 13, 2008 upholding the suspensions in all three cases. Timely appeals were filed.

The Commission may uphold the Decision of the Administrative Law Judge, reverse the Decision, or modify the Decision in accordance with the applicable statutes and rules.

Jon Tack, Attorney
Legal Services Bureau
October 9, 2008

Attachments: Decision, Transcript and Appeal